

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

EZEKIEL GAMBLE JR.,

Plaintiff,

v.

**GEORGE BALL, BRIAN CAPPO, and
CHARLIE SMITH¹,**

Defendants.

Civil Action No. 5:12-CV-430 (HL)

ORDER

This case is before the Court on a Recommendation from United States Magistrate Judge Charles H. Weigle (Doc. 40). Plaintiff has not filed an objection to the Recommendation. The Court has reviewed the Recommendation for clear error and finds none. The Recommendation is accepted and adopted. Defendants Ball and Cappo's Motion to Dismiss (Doc. 17) is granted. The case will proceed against Defendant Smith only. The Court directs the Magistrate Judge to consult with the United States Marshal to determine whether Defendant Smith has been served.

SO ORDERED, this the 25th day of February, 2014.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh

¹ The Clerk of Court is directed to amend the caption of this case to reflect the proper names of the Defendants.